

ESTTA Tracking number: **ESTTA231218**Filing date: **08/18/2008**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Notice of Opposition**

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

| | |
|---------------------------------------|---|
| Name | CEI Enterprises, Inc. |
| Granted to Date of previous extension | 08/17/2008 |
| Address | 245 Woodward Road S.E.P.O. BOX 9156 Albuquerque, NM 87119 UNITED STATES |
| Attorney information | Alicia Brown Oliver Chambliss, Bahner & Stophel, P.C. 1000 Tallan BuildingTwo Union Square Chattanooga, TN 37402 UNITED STATES aoliver@cbslawfirm.com Phone:423-757-0206 |

Applicant Information

| | | | |
|------------------------|--|------------------------|------------|
| Application No | 77136242 | Publication date | 02/19/2008 |
| Opposition Filing Date | 08/18/2008 | Opposition Period Ends | 08/17/2008 |
| Applicant | HSB Solomon Associates, LLC Suite 1500 13455 Noel Road Dallas, TX 75240 UNITED STATES | | |

Goods/Services Affected by Opposition

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|---|
| Class 042. All goods and services in the class are opposed, namely: Technical consultation in the field of hydrocarbon and chemical processing, pipeline, and power industries |
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Grounds for Opposition

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| Priority and likelihood of confusion | Trademark Act section 2(d) |
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Mark Cited by Opposer as Basis for Opposition

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|-----------------------|---|-----------------------|------------|
| U.S. Registration No. | 2361137 | Application Date | 01/12/1998 |
| Registration Date | 06/27/2000 | Foreign Priority Date | NONE |
| Word Mark | CEI | | |
| Design Mark | | | |
| Description of | The mark consists of the letters "CEI". | | |

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|----------------|--|
| Mark | |
| Goods/Services | <p>Class 006. First use: First Use: 1970/06/18 First Use In Commerce: 1970/06/18 Metal storage tanks for asphalt cement and mixtures thereof</p> <p>Class 007. First use: First Use: 1993/04/09 First Use In Commerce: 1993/04/09 Storage and processing equipment, namely, mixers for use in mixing asphalt cement and for intermixing various additives therein; agitation tanks for maintaining blends and mixtures of asphalt cement and various additives in suspension</p> <p>Class 011. First use: First Use: 1970/06/18 First Use In Commerce: 1970/06/18 Circulating hot-oil heaters; combination circulating hot-oil heater and storage tank for asphalt cement and mixtures and blends containing asphalt cement; electrically-heated storage tank for asphalt cement and mixtures and blends containing asphalt cement; combination direct-fired heating unit and storage tank for asphalt cement and mixtures and blends containing asphalt cement; asphalt mixing system, namely combination heater, mixer , hopper, scale, mass flow asphalt meter and control unit for use with asphalt cement and mixtures and blends containing asphalt cement</p> |

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| Attachments | <p>75416273#TMSN.gif (1 page)(bytes)</p> <p>CEI Opposition.pdf (4 pages)(1239948 bytes)</p> |
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

| | |
|-----------|-----------------------|
| Signature | /alicia brown oliver/ |
| Name | Alicia Brown Oliver |
| Date | 08/18/2008 |

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

| | | |
|------------------------------|---|----------------------|
| CEI Enterprises, Inc., |) | |
| |) | |
| Opposer, |) | |
| |) | |
| vs. |) | Opposition No. _____ |
| |) | |
| HSB Solomon Associates, LLC, |) | |
| |) | |
| Applicant. |) | |

NOTICE OF OPPOSITION

CEI Enterprises, Inc., a Tennessee corporation having its principal place of business in Albuquerque, New Mexico ("Opposer"), believes that it will be damaged by registration of the mark as shown in Application No. 77/136,242, which was filed March 21, 2007 by HSB Solomon Associates, LLC ("Applicant").

Applicant's mark was published for opposition on February 19, 2008, and on March 12, 2008, Opposer filed a request under Rule 2.102 to extend the time within which to oppose this registration by 30 days. Opposer filed a subsequent request on June 17, 2008, which was granted, extending the time within which to file this Notice of Opposition until Sunday, August 17, 2008, thereby extending the time to oppose until Monday, August 18, 2008 pursuant to Rule 2.196. Opposer hereby opposes registration of Applicant's mark, and requests that no registration be issued to Applicant on Application No. 77/136,242.

As grounds of opposition, Opposer states as follows:

1. Opposer is the owner of the trademark U.S. Registration No. 2,361,137 (“the Trademark”), for use in connection with: metal storage tanks for asphalt cement and mixtures thereof in class 6; storage and processing equipment, namely, mixers for use in mixing asphalt cement and for intermixing various additives therein; agitation tanks for maintaining blends and mixtures of asphalt cement and various additives in suspension in class 7; and circulating hot-oil heaters; combination circulating hot-oil heater and storage tank for asphalt cement and mixtures and blends containing asphalt cement; electrically-heated storage tank for asphalt cement and mixtures and blends containing asphalt cement; combination direct-fired heating unit and storage tank for asphalt cement and mixtures and blends containing asphalt cement; asphalt mixing system, namely combination heater, mixer, hopper, scale, mass flow asphalt meter and control unit for use with asphalt cement and mixtures and blends containing asphalt cement in class 11 (the “Goods”).

2. Opposer is using and has used the Trademark in connection with the Goods for many years. Opposer has used the Trademark in connection with the Goods in classes 6 and 11 since 1970 and in connection with the Goods in class 7 since 1993, long prior to Applicant’s date of filing, March 21, 2007.

3. By virtue of the continuous use of the Trademark by Opposer in connection with the Goods, the Trademark has come to be associated with Opposer’s Goods.

4. Applicant, by way of Application No. 77/136,242, seeks to register the mark CEI for use in connection with technical consultation in the field of hydrocarbon and chemical processing, pipeline, and power industries in class 42.

5. The services recited in Applicant's application are commercially related to the Goods offered by Opposer under its Trademark.

6. Applicant's mark so resembles Opposer's previously used mark as to be likely, when applied to the goods recited in Applicant's application, to cause confusion, mistake and/or deception within the meaning of Section 2(d) of the Trademark Act.

7. The registration of Application No. 77/136,242 is inconsistent with Opposer's rights and would cause damage to Opposer..

WHEREFORE, Opposer, prays that Application No. 77/136,242 be rejected, that no registration be issued thereon to Applicant and that this Opposition be sustained in favor of Opposer.

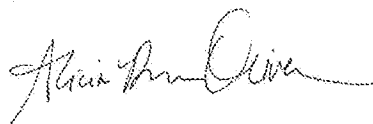
The filing fee of this Opposition in the amount of \$300.00 has been paid electronically.

This the 18th day of August, 2008.

Respectfully submitted,

CHAMBLISS, BAHNER & STOPHEL, P.C.

By:



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Attorneys for CEI Enterprises, Inc.

Certificate of Service

I hereby certify that I have served this Notice of Opposition by e-mail to dmason@akingump.com and by U.S. Mail to:

Dwayne L. Mason
Akin Gump Strauss Hauer & Feld, LLP
44th Floor
1111 Louisiana
Houston TX 77002

By: Ronna Berg